

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
EASTERN DIVISION

CYNTHIA GEIGER,

Plaintiff,

v.

RYAN FULLER SMALLWOOD,

Defendant.

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CIVIL ACTION NO.: 3:06cv194-WHA

**DEFENDANT RYAN FULLER SMALLWOOD'S
RESPONSE TO PLAINTIFF'S OBJECTIONS TO DEFENDANT'S EXHIBIT LIST**

Comes now the Defendant Ryan Fuller Smallwood in the above-styled action and responds to the Plaintiff's Objections to Defendant's Exhibit List as follows:

10. Defendant's Exhibit 10 is a letter dated July 9, 1992 from Charles E. Floyd, a Phenix City, Alabama attorney, to Dr. Arthur J. Fountain, Jr. with Columbus Neurological Associates, P.C. with an attached Medical Authorization dated July 9, 1992 signed by the Plaintiff. The Defendant submits that this letter and the attached Medical Authorization are relevant, as the letter references a date of accident of November 24, 1991. This exhibit may further be relevant as to the Plaintiff's treatment by Dr. Fountain for this accident on November 24, 1991. This exhibit may also be used for impeachment purposes depending on the Plaintiff's testimony at trial.
18. Defendant's Exhibit 18 is a copy of the MRI Report for the Plaintiff's cervical MRI on December 1, 2004. The MRI was ordered by the Plaintiff's primary care physician, Dr. Ray B. Paris, who referred her to Dr. William E. Adams, a neurosurgeon. Defendant's Exhibit 18 also contains Dr. Paris' handwritten note

dated December 5, 2004, which note is his short summary of the MRI Report. Dr. Paris' summary is consistent with the MRI Report and is consistent with Dr. Adams' deposition testimony. Dr. Paris has not been deposed and is not expected to testify in this case; however, this note is a part of his records. The Plaintiff acknowledges that Dr. Paris is a general practitioner, and he is certainly qualified to make a note on the MRI Report he ordered. This note is part of his business records concerning the Plaintiff, is accurate, and is consistent with the other testimony in this case.



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CERTIFICATE OF SERVICE

I hereby certify that I have this day served an exact copy of the foregoing Response upon the following counsel of record, by depositing a copy of same in the United States Mail, properly addressed with first class postage prepaid thereon.

Honorable Benjamin H. Parr
Post Office Box 229
Opelika, Alabama 36803

This 8th day of May, 2007.



Stanley A. Martin